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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/633,858 | SHENG-BIN, HSIEH | |
| | Examiner | Art Unit | |
| | Stephen J. Castellano | 3727 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to Notice of Panel Decision filed 10/11/05.
- 2. ☒ The allowed claim(s) is/are 1-4, 6-8 and 10-22.
- 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


Stephen Castellano
Primary Examiner

Art Unit: 3727

The following is an examiner's statement of reasons for allowance: Bauernfreund et al. (Bauernfreund) discloses foldable sidewall panels 20 which are folded and stitched at a center portion to make two wall segments 22 and 24. This doesn't meet the claim limitation "having a substantially vertical folding-seam forming two half-wall pockets, each half-wall pocket receiving one hard half-wall board embedded therein." Wang teaches rods or four triangular wall panels within each wall which doesn't form two half-wall pockets. Nickell et al. (Nickell) teaches a single board inserted within the correspondingly shaped pocket of each wall of an eight sided container (eight wall) which doesn't form two half-wall pockets. Claims 13 and 19 have similar structure wherein "two half-wall boards being separated from one another by a folding seam." Therefore, any combination of Bauernfreund, Wang and Nickell would not disclose the claimed invention. Furthermore, the claims require a closed bottom on which a hard bottom board is seated. Bauernfreund as shown in Fig. 3 doesn't disclose the closed bottom. Wang doesn't clearly show the bottom construction in any figure and the specification only states "a bottom wall." It can't be assumed that Wang's bottom is closed since a bottom with open seams may be employed. Nickell teaches a dispensing bottom which would be non-analogous in view of the use of a hard bottom board in the claimed invention. The bottom is claimed to be "bound to each sidewall along a bottom edge." The specification discloses the use of seams to bound the closed bottom. "Bound" is believed to mean "bound by tying." Bauernfreund and Wang don't disclose seams which bound the closed bottom.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 3727


fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The drawing submitted on August 4, 2003 are informal because the lines and characters are rough and non-uniform. Please submit formal drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on Tu-F 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc